
By: **Senator Hafer**

Introduced and read first time: January 18, 2001

Assigned to: Economic and Environmental Affairs and Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Flood Damage Restoration Fund**

3 FOR the purpose of establishing the Flood Damage Restoration Fund; requiring the
4 Secretary of the Environment, in consultation with the Director of the Maryland
5 Emergency Management Agency, to award grants from the Fund to
6 subdivisions; requiring the Secretary of the Environment, in consultation with
7 the Director of the Maryland Emergency Management Agency, to establish
8 certain grant application procedures; authorizing subdivisions to apply for
9 grants from the Fund to be used for certain purposes related to repair of certain
10 property damaged by flood; requiring certain subdivisions to provide certain
11 matching funds; and generally relating to the Flood Damage Restoration Fund.

12 BY repealing and reenacting, with amendments,
13 Article - Environment
14 Section 5-802
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 2000 Supplement)

17 BY adding to
18 Article - Environment
19 Section 5-810
20 Annotated Code of Maryland
21 (1996 Replacement Volume and 2000 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article - Environment**

25 5-802.

26 (a) The General Assembly finds and declares that:

27 (1) Recurrent flooding of a portion of the State's land resources causes
28 loss of life, damage to property, disruption of commerce and governmental services,

1 and unsanitary conditions, all of which are detrimental to the health, safety, welfare,
2 and property of the occupants of flood hazard areas of the State;

3 (2) Considerable public costs are incurred through the emergency
4 preparedness program and by replacing public utilities and other public capital
5 investments destroyed or damaged by floods;

6 (3) Flood waters disregard jurisdictional boundaries; and

7 (4) The public interest necessitates management of waters and flood
8 hazard areas for the objectives of preventing and alleviating flood threats to life and
9 health, reducing private and public economic losses, and to the extent possible,
10 preserving the biological values associated with these land and water resources.

11 (b) The policy and purposes of this subtitle are:

12 (1) To assist in the guidance of development to minimize the impacts of
13 flooding;

14 (2) To provide State guidelines and technical assistance to local
15 governments in management of flood hazard areas;

16 (3) To provide for comprehensive watershed management;

17 (4) To facilitate implementation of projects for flood control;

18 (5) To encourage and provide for local governmental units to manage
19 flood-prone lands in a comprehensive manner;

20 (6) To provide for the biological and environmental quality of the
21 watersheds of the State; [and]

22 (7) To establish a grant program to assist local jurisdictions with
23 implementation of those capital projects included within the comprehensive flood
24 management plans which are adopted and approved in accordance with this subtitle;
25 AND

26 (8) TO ESTABLISH A GRANT PROGRAM TO ASSIST SUBDIVISIONS IN THE
27 REPAIR OF PUBLIC PROPERTY DAMAGED BY FLOOD.

28 5-810.

29 (A) IN THIS SECTION, "FUND" MEANS THE FLOOD DAMAGE RESTORATION
30 FUND.

31 (B) THERE IS A FLOOD DAMAGE RESTORATION FUND WITHIN THE
32 DEPARTMENT.

33 (C) (1) THE FUND IS A CONTINUING, NONLAPSING FUND THAT IS NOT
34 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

1 (2) THE TREASURER SHALL SEPARATELY HOLD AND THE COMPTROLLER
2 SHALL ACCOUNT FOR THE FUND.

3 (3) THE TREASURER SHALL INVEST THE FUND IN THE SAME MANNER AS
4 OTHER STATE FUNDS AND CREDIT ANY INVESTMENT EARNINGS TO THE FUND.

5 (D) THE FUND CONSISTS OF:

6 (1) MONEYS APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

7 (2) EARNINGS FROM THE INVESTMENT OF MONEYS IN THE FUND.

8 (E) BEGINNING IN FISCAL 2003, THE GOVERNOR SHALL INCLUDE IN THE
9 STATE BUDGET SUFFICIENT FUNDS TO BRING THE FUND TO A \$1,000,000 BALANCE AT
10 THE START OF EACH FISCAL YEAR.

11 (F) THE SECRETARY, IN CONSULTATION WITH THE DIRECTOR OF THE
12 MARYLAND EMERGENCY MANAGEMENT AGENCY, SHALL AWARD GRANTS FROM THE
13 FUND TO SUBDIVISIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

14 (G) (1) SUBDIVISIONS MAY APPLY FOR GRANTS FROM THE FUND TO REPAIR
15 PUBLIC PROPERTY DAMAGED BY FLOOD.

16 (2) A SUBDIVISION THAT RECEIVES A GRANT FROM THE FUND MUST
17 PROVIDE AND EXPEND A MATCHING FUND EQUAL TO 25% OF THE AMOUNT OF THE
18 GRANT. NO PART OF THE MATCHING FUND MAY CONSIST OF REAL PROPERTY, IN
19 KIND CONTRIBUTIONS, OR FUNDS EXPENDED PRIOR TO THE AWARD OF THE GRANT.

20 (H) THE SECRETARY, IN CONSULTATION WITH THE DIRECTOR OF THE
21 MARYLAND EMERGENCY MANAGEMENT AGENCY, SHALL ESTABLISH PROCEDURES
22 FOR SUBDIVISIONS TO APPLY FOR GRANTS FROM THE FUND.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2001.